

Report to the Cabinet

Report reference: C/099/2006-07.

Date of meeting: 18 December 2006.



**Epping Forest
District Council**

Portfolio: Civil Engineering & Maintenance.

Subject: New Car Parking Enforcement Contract.

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Recommendations/Decisions Required:

That following consideration by the Town Centre and Car Parks Scrutiny Panel and Overview & Scrutiny Committee the following be recommended:

- (1) That the British Parking Association contract be used as the basis for the new contract;**
- (2) That the contract assessment be undertaken on the basis of 40% price and 60% quality;**
- (3) That Essex County Council be approached with a view to them enabling this Council to commission remedial works on yellow lines and associated signage;**
- (4) That the outcome of the consultation exercise be noted and the specification be drawn so as to include reference to the key findings;**
- (5) That a requirement for the provision of a 'Parking Shop' be included in the contract specification; and**
- (6) That in accordance with the Traffic Management Act 2004 the process for dealing with initial challenges to penalty charge notices be undertaken by the Council and that the establishment be increased by one full time equivalent post to resource this change.**

Report:

1. The Town Centre & Car Parks Scrutiny Panel was charged with reviewing the operation of parking enforcement ahead of letting the new enforcement contract due to come into operation in October 2007. The Council appointed specialist consultants, Parking Associates, to assist it in that process, and the Panel received 2 reports and 1 presentation on how best to proceed given the requirements of the Traffic Management Act 2004 and the governments expressed views on how parking enforcement should be undertaken in the future.

2. The final report of the consultants is attached to the agenda and the recommendations above reflect those of Parking Associates after consideration by the Panel and Overview and Scrutiny Committee. Taking each of the recommendations in turn:

(a) Type of Contract

3. Parking enforcement tends to be an emotive issue, depending in large part on whether an individual has received a penalty charge notice and how that was subsequently

managed. It has to be said that the operation within this district has been very good, with very few cases reaching the National Parking Adjudicator and those that have, more often than not, being found in the Council's favour. The current contract could best be described as a traditional 'adversarial' contract where the contractor endeavours to cut costs as far as possible and the client endeavours to extract as much work as possible for the least possible cost. Changes which will result from the enactment of the Traffic Management Act 2004 (TMA) will require a lot more flexibility in the contract as well as a closer contractual relationship. The House of Commons Select Committee and the Guidance to the new Act both recommend the use of the British Parking Association Model Contract, which provides for a less adversarial approach and more closely aligns payment with performance.

(b) Tender Assessment

4. Most tender assessments have a process that allocates a score based upon two main factors – price and quality. The relationship between these dictates the nature of the outcome in that either price or quality is considered to be the most important factor. Given the Government's clear direction through the TMA and its associated guidance, it is essential that the new contract places a greater emphasis on the quality of the service to be provided than the current contract does. This can best be achieved, in addition to the wording of the specification and the payment mechanism, through amending the price/quality balance making up the assessment. Despite some concerns about getting balance right, it has been concluded that there should be a 40% price, 60% quality balance.

(c) Signs and Lines

5. When the Council managed the highways service through the Agency, it was relatively straightforward to arrange for simple maintenance jobs such as the repainting of yellow lines and replacement of signs. Since the return of the function to County, this has become more problematical, with the County having higher priorities elsewhere. It makes good operational sense for the Council to be able to commission minor works of this nature, subject to the use of a County approved contractor, and we recommend that the Council open negotiations with the County to that end.

(d) Consultation

6. As part of the Panel's consideration, the Head of Environmental Services wrote to all members, town and parish councils and town centre partnerships asking for their views on enforcement (not yellow lines per se). Although the response was limited, the following issues were raised:

- the need to balance enforcement between the towns and more rural areas of the district;
- enforcement should be targeted more on street than off street;
- there should be more 'leeway' off street than on street; and
- the need for greater shift/unsocial hours enforcement with particular reference to junction protection yellow lines and identified local 'hot spots'

7. It is therefore recommended that the new contract specification should properly reflect these views.

(e) Parking Shop

8. The Council has a Parking Office in Burton Road, just off of Loughton Broadway. It is far from ideal comprising as it does portacabins and garages. It is also not very welcoming for customers and not accessible for those with disabilities. Although it was recognised that modern technology can provide for the payment of penalty charge notices and purchase of season tickets etc, on balance it was considered that there was a benefit in establishing a parking shop enabling easy access for customers and space for the Council's client team to be close to the contractor. The National Parking Adjudication Service also supports this approach. It should be noted that it is not essential for the Parking Attendants to share the

same accommodation.

(f) Changes to the initial appeals process

9. At the present time all initial appeals about penalty charge notices are administered by the enforcement contractor. Anyone who is not content with the outcome can appeal to the Head of Service and ultimately to the National Adjudicator. The TMA changes that, making it the responsibility of the Council to deal with initial appeals. It also makes it clear that elected members cannot be involved in the appeal processes. It will therefore be necessary to provide the resources required to take on this additional function, and the consultants have estimated that the work equates to a full time equivalent post. The effect of this financially are unknown, but since there will be a reduction in the costs of the contractors element due to them not having to provide this service in the future, any effects should be minimal.

Statement in Support of Recommended Action:

10. Parking enforcement is a high profile locally delivered service. It is important that motorists feel, as far as possible, that the service is operated fairly and transparently, and this approach has been supported by the House of Lords and through the enactment of the Traffic Management Act 2004. This requires a shift in the contractual relationship between the Council and its enforcement contractor, which in turn will enable a similar shift between the Council and the motorist. The British Parking Association model contract provides the vehicle for this change.

11. The remaining recommendations underpin this approach, through the provision of better access for customers to the service and an enhanced use of new technology. The intention to seek the consent of the County to undertake minor works will also aid the efficiency of the service, and will assist motorists through clear signing and lining in restricted areas.

Other Options for Action:

12. The only alternative option is to effectively set aside the consultant's and Scrutiny advice and let the new contract under existing contractual arrangements. This will cause a conflict with the Traffic Management Act 2004 and its associated guidance, and therefore cannot be recommended.

Consultation Undertaken:

13. All members, towns and parishes and town centre partnerships were asked for their views. Their comments are set out in paragraph 2(d) of the report. There will need to be further consultation with the County Council, as the Highway Authority, in respect of the contractual approach and undertaking minor works.

Resource implications:

Budget provision: Existing contract is budgeted at £698,000 per annum. The consultant's view is that this is expensive and that a new contract should be no greater than and may be less than the current budget

Personnel: One additional full time equivalent to undertake initial PCN referrals

Land: Possible need to identify location for Parking Shop

Community Plan/BVPP reference: N/A.

Relevant statutory powers: The Traffic Management Act 2004.

Background papers: Reports to Scrutiny Panel and Committee.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision reference (if required): N/A.